

00-0-1329

(Do Not Write Above This Line)

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO CREATE THE KIMBERLY COURTS APARTMENTS PHASE II HOUSING ENTERPRISE ZONE AND FOR OTHER PURPOSES.

ADOPTED BY

OCT 02 2000

COUNCIL

☒ CONSENT REFER

☐ REGULAR REPORT REFER

☐ ADVERTISE & REFER

☐ 1st ADOPT 2nd READ & REFER

Date Referred 9/18/00

Community Development / Human Resources Referred to:

Committee _____
Date 9/13/00
Chair _____

First Reading 09/14/00

COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
OCT 2 2000
Debra M. Starnes
Municipal Clerk

CERTIFIED
OCT 02 2000
Renee D. Johnson
Municipal Clerk

MAYOR'S ACTION

OCT 10 2000

[Signature]

**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

00-0-1329

**AN ORDINANCE TO CREATE KIMBERLY COURTS APARTMENTS PHASE II
HOUSING ENTERPRISE ZONE AND FOR OTHER PURPOSES.**

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the city of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of Kimberly Courts Apartments Phase II Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around Kimberly Courts Apartments Phase II is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with Kimberly Courts Apartments Phase II are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private



enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

Section 2: The Kimberly Courts Apartments Phase II Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2001. Kimberly Courts Apartments Phase II Housing Enterprise Zone shall be abolished on December 31, 2010. Kimberly Courts Apartments Phase II Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of Kimberly Courts Apartments Phase II Housing Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of Kimberly Courts Apartments Phase II Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Phonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 02, 2000
OCT 10, 2000



**PROPOSED KIMBERLY COURTS APARTMENTS
HOUSING ENTERPRISE ZONE**

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 29 OF THE 14FF DISTRICT OF FULTON COUNTY (CITY OF ATLANTA), GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE INCH CRIMP TOP PIPE FOUND ON THE WEST LINE OF LAND LOT 29 OF THE 14FF DISTRICT OF FULTON COUNTY (CITY OF ATLANTA), GEORGIA. SAID POINT BEING SOUTH 00 DEGREES 01 MINUTES 54 SECONDS WEST, 716.02 FEET FROM A ¾" REBAR FOUND AT THE NORTHWEST CORNER OF LAND LOT 29.

THENCE LEAVING SAID LAND LOT LINE, NORTH 88 DEGREES 48 MINUTES 41 SECONDS EAST, 1039.67 FEET TO A POINT.

THENCE ON AN ARC OF A CURVE TO THE RIGHT 205.26 FEET (SAID CURVE HAVING A RADIUS OF 224.29 FEET AND A CHORD OF SOUTH 20 DEGREES 44 MINUTES 36 SECONDS WEST, 198.17 FEET) TO A POINT.

THENCE SOUTH 46 DEGREES 26 MINUTES 01 SECONDS WEST, 92.95 FEET TO A POINT.

THENCE ON AN ARC OF A CURVE TO THE LEFT 218.13 FEET (SAID CURVE HAVING A RADIUS OF 295.60 FEET AND A CHORD OF SOUTH 21 DEGREES 29 MINUTES 36 SECONDS WEST, 213.21 FEET) TO A POINT.

THENCE SOUTH 00 DEGREES 52 MINUTES 22 SECONDS EAST, 38.05 FEET TO A POINT.

THENCE SOUTH 19 DEGREES 59 MINUTES 28 SECONDS WEST, 171.03 FEET TO A POINT.

THENCE SOUTH 00 DEGREES 48 MINUTES 33 SECONDS EAST, 499.92 FEET TO A POINT.

THENCE SOUTH 89 DEGREES 11 MINUTES 48 SECONDS WEST, 124.12 FEET TO A ONE INCH IRON ROD FOUND.

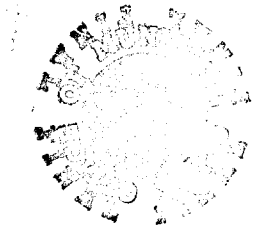
THENCE NORTH 27 DEGREES 46 MINUTES 34 SECONDS WEST, 221.81 FEET TO A ONE INCH IRON ROD FOUND.

THENCE NORTH 83 DEGREES 03 MINUTES 39 SECONDS WEST, 548.91 FEET TO A ONE INCH OPEN TOP PIPE FOUND ON WEST LINE OF LAND LOT 29.

THENCE ALONG SAID LAND LOT LINE, NORTH 00 DEGREES 02 MINUTES 50 SECONDS WEST, 781.37 FEET TO A NAIL IN ROCK FOUND.

THENCE CONTINUING ALONG SAID LAND LOT LINE, NORTH 00 DEGREES 01 MINUTES 54 SECONDS EAST, 82.64 FEET TO THE POINT OF BEGINNING.

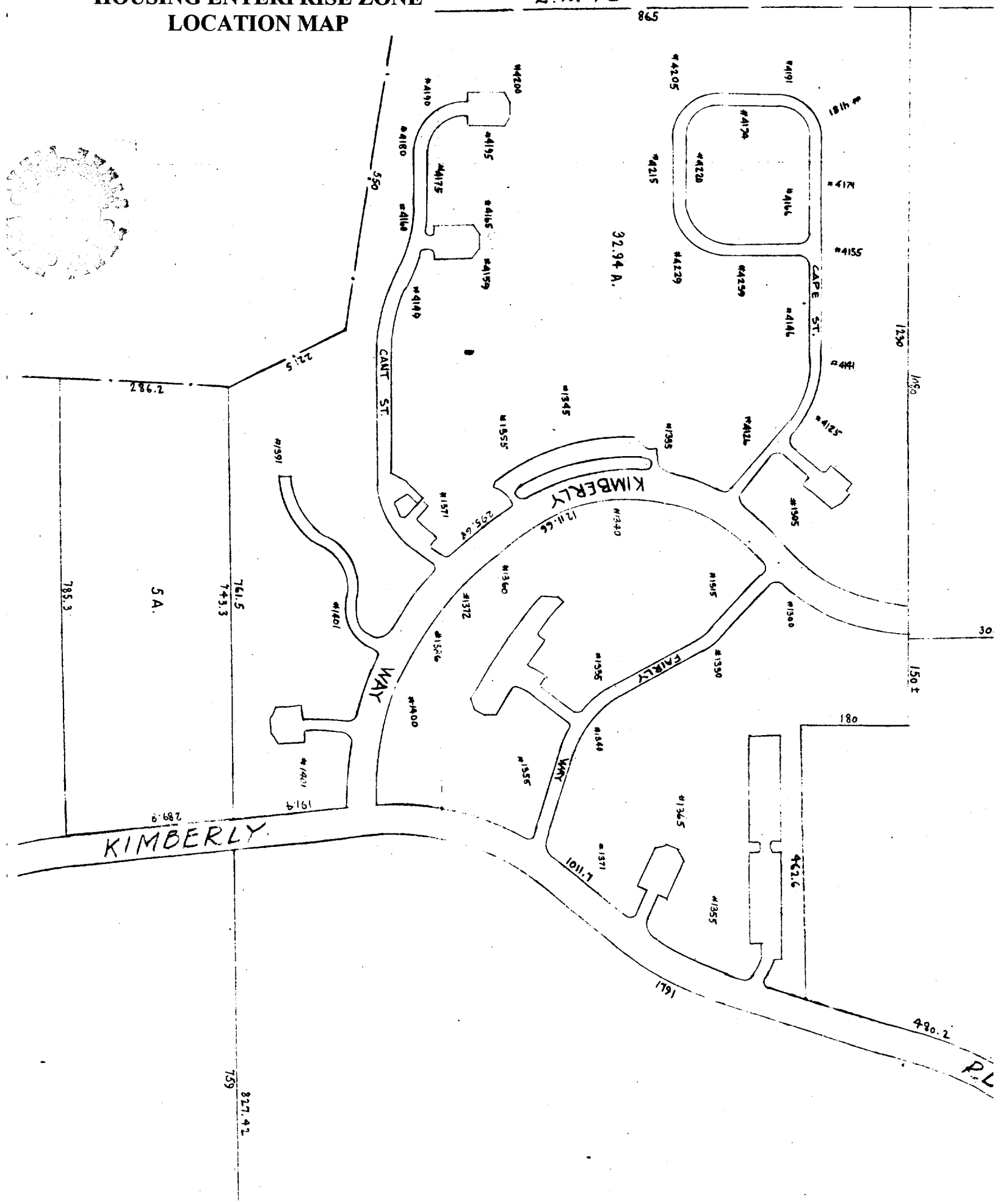
SAID TRACT OR PARCEL CONTAINING 18.7271 OR 815,752 SQ. FT.

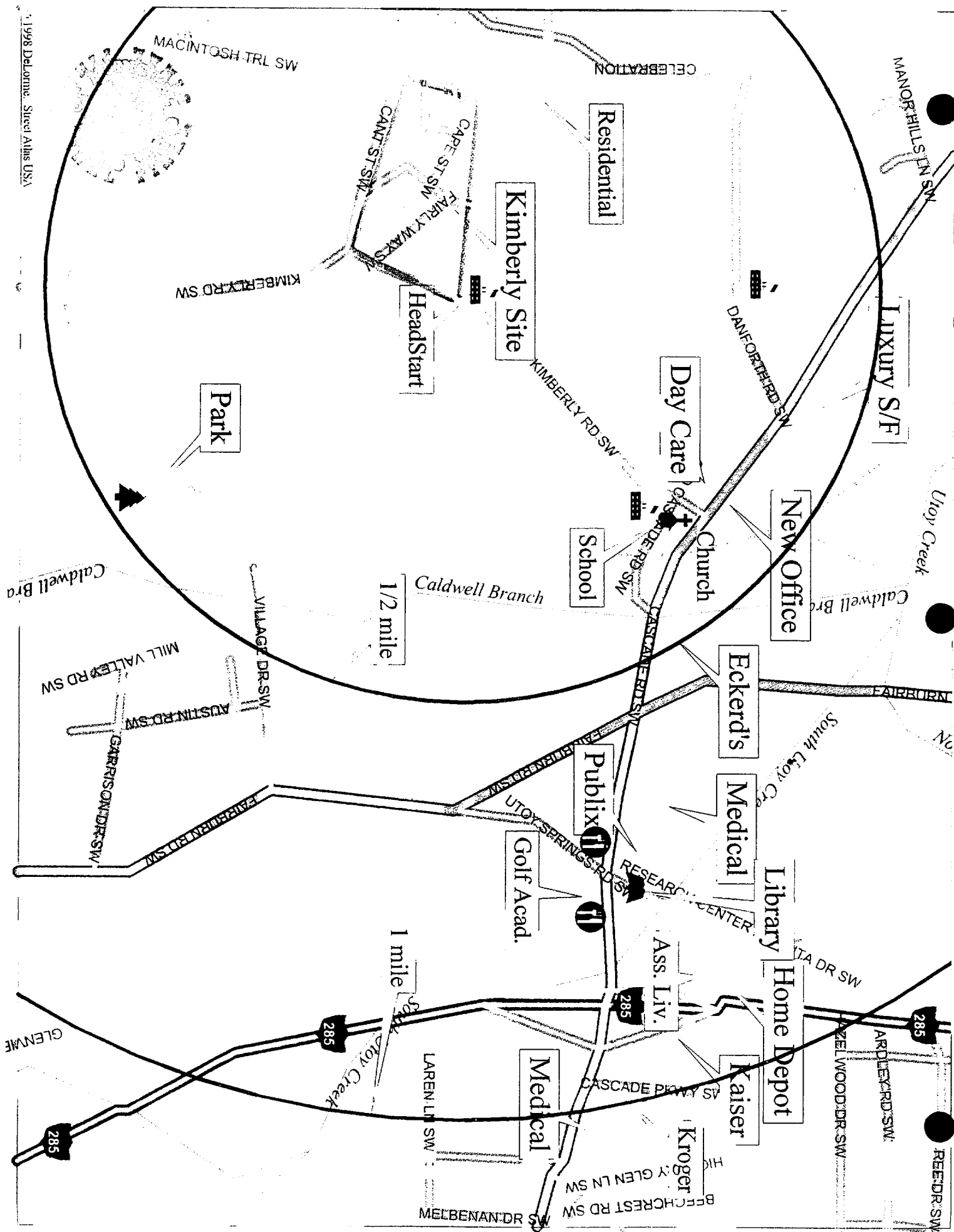


**PROPOSED KIMBERLY COURTS APARTMENTS PHASE II
HOUSING ENTERPRISE ZONE**

PROJECT LOCATION MAP

L.I. 46







**EVALUATION OF PROPOSED
KIMBERLY COURTS APARTMENTS PHASE II
HOUSING ENTERPRISE ZONE**

Criteria	Required	Proposed	Compliance
1. Eligibility Criteria a. Evidence of Pervasive Poverty b. Unemployment c. General Distress (High Crime or Vacant/Abandoned Buildings) d. Underdevelopment	Must meet 3 out of 4 Criteria a. Poverty rate of $\geq 20\%$ or more b. Census tract job loss $\geq 10\%$ c. High Crime or Vacant/Abandoned Buildings d. Lack of development activity $\leq 20\%$ for NPU as compared to the city as a whole	a. Poverty rate for CT 78.02 BG 1 - 20% b. -21.9% d. -5% for NPU P	3 out of 4 criteria √
2. Acreage	None	20 acres	√
3. CDP Consistency	CDP Land Use Classification Low Density Residential F.A.R. .350 - .699	Low Density Residential F.A.R. .346	√
4. Zoning Compliance	RG-3	RG-3	√
5. Project Readiness	$> 30\%$ of Units to be Initiated in Year 1	73 of 246 units in the first year	√
6. Project Specificity	Project Specific Zone or $\geq 50\%$ of Area-wide Zone	Project Specific	√
7. Non-Displacement	Minimum Displacement	None. Land is Vacant.	√
8. Affordability (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	20% of total units and 10% of each housing type is affordable to households whose income does not exceed 60% of the median income for the Atlanta MSA (low income). 20% must bear monthly rents $\leq 30\%$ of low-income level, adjusted by family size. 20% must bear purchase prices $< \$131,780$ or 2.2 median income for the Atlanta MSA.	40% Public Housing 30% Low Income 30% Market Rate	√
9. Provision for Atlanta Police officers and their families (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	5% of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents, which do not exceed the low-income level of affordability. <u>Sales</u> -affordable units $> 20\%$ of total exemption, or <u>Rental</u> - (cumulative basis over the 1 st five years	Proposes to comply	√
10. Financial Feasibility	Chief Financial Officer's Statement of Fiscal Impact a. negative cash flow, or b. debt coverage ratio < 1.20 , or c. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified	TBD	TBD

RCS# 2255
10/02/00
1:44 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	B Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1390 00-O-1567 00-R-1480 00-R-1571 00-R-1574
Y Starnes	Y Woolard	B Martin	Y Emmons	
Y Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED.

RCS# 2286
10/02/00
4:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDERATION

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
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Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1390
00-O-1567
00-R-1480
00-R-1571
00-R-1574

CONSENT

		10/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1393 2. 00-O-0758 3. 00-O-1341 4. 00-O-1453 5. 00-O-1326 6. 00-O-1327 7. 00-O-1328 8. 00-O-1329 9. 00-O-1301 10. 00-O-0263 11. 00-O-0979 12. 00-O-1311 13. 00-O-1418 14. 00-O-1566 15. 00-O-1417 16. 00-O-1114 17. 00-O-1561 18. 00-R-1486 19. 00-R-1490 20. 00-R-1524 21. 00-R-1525 22. 00-R-1572 23. 00-R-1483 24. 00-R-1484 25. 00-R-1552 26. 00-R-1310 27. 00-R-1466 28. 00-R-1467 29. 00-R-1469 30. 00-R-1563 31. 00-R-1549 32. 00-R-0977 33. 00-R-1297 34. 00-R-1495 35. 00-R-1461 36. 00-R-1464	37. 00-R-1470 38. 00-R-1471 39. 00-R-1472 40. 00-R-1476 41. 00-R-1477 42. 00-R-1481 43. 00-R-1497 44. 00-R-1498 45. 00-R-1499 46. 00-R-1500 47. 00-R-1501 48. 00-R-1502 49. 00-R-1503	50. 00-R-1504 51. 00-R-1505 52. 00-R-1506 53. 00-R-1507 54. 00-R-1508 55. 00-R-1509 56. 00-R-1510 57. 00-R-1511 58. 00-R-1512 59. 00-R-1513 60. 00-R-1514 61. 00-R-1515 62. 00-R-1516 63. 00-R-1517 64. 00-R-1518 65. 00-R-1519 66. 00-R-1520 67. 00-R-1521 68. 00-R-1522 69. 00-R-1523